

REMARKS

In response to the Examiner's objection to the drawings, the Examiner is informed that reference characters 23, 26, 18, 323, 326, 318, 436, 437, 450, 426 and 451 were deleted in the replacement drawings filed with the previous Response. With respect to reference character "numeral 11", description thereof is made in paragraph [0081]. Further, paragraph [0099] provides a description for reference character numbers "111, 311 and 611". As such, it is respectfully submitted that the currently presented drawings are in compliance with Patent Office requirements.

The claims have been amended in order to respond to the formal rejections thereof and to combine the subject matter of Claim 57 into Claim 56. No new matter has been added.

Claims 56 and 57 have been rejected under 35 USC 102(b) as being anticipated by Goldberg et al. Claims 58-66 have been rejected under 35 USC 103(a) as being unpatentable over Goldberg et al in view of Silver et al. Applicants respectfully traverse these grounds of rejection and urge reconsideration in light of the following comments.

The presently claimed invention is directed to a teat rubber for use on a milking cup of a milking apparatus, comprising a head part having provided thereon a sealing lip that forms an insertion opening for a teat, a holding edge for grasping a milking cup sleeve, a suction connecting piece connected to the head part, as well as a planar teat bearing section which is formed on the sealing lip provided on the head part and which defines the insertion opening, a part of the insertion opening conically tapering toward an inner side of the teat rubber in such a way that an annular fold located on the base of the teat cannot come into contact with the teat rubber and that pressure cannot be applied thereto, characterized in that when seen in a cross-sectional view, a conically tapering surface of the conically tapering insertion opening is concave or linear, transitions between the

conically tapering surface and a planar teat bearing section, as well as between the conically tapering surface and an udder bearing surface, are respectively implemented in a hingelike manner and the hingelike transitions comprise one of a portion of reduced material thickness, and indentation in a variation of the material properties in comparison with the properties of the adjoining material so that the transitions will assume hingelike properties.

As discussed previously, the teat rubber of the present invention has superior properties with respect to natural and species-appropriate milking by being able to be easily applied, adhere well to the teat and not strangulate the inner annular fold. These features are obtained by providing the teat rubber with the claimed configuration. Once again, it is respectfully submitted that the prior art cited by the Examiner does not disclose the presently claimed invention.

Goldberg et al discloses a teat cup in which an integral annular bead is spaced slightly less than a teat's length below the upstream end of an inflation. Pulsating pressure is applied to the outside of the inflation within the teat cup and a low pressure line is attached to the downstream end of the inflation. Axial ribs are spaced around the circumference of the tube upstream of the annular bead and the bead and ribs are restrictive of collapse and provide a gentle massaging pressure on the teat when the pulsating pressure is applied.

In the outstanding Office Action, the Examiner states that a transition between the conically tapering surface and the planar teat bearing section in the udder bearing surface is implemented in a hingelike manner through indentations 30', 52, 156 and 154. Applicants respectfully disagree.

In column 4, lines 33-35, Goldberg states "the skirt 50 and cushion 52 are much thinner than the remainder of the head structure 14'," which suggests a hingelike function between the parts 50/52 and the rest of the head structure 14'. Goldberg additionally discloses in column 6, lines 29-32, in connection with Figure 5, that "the annular lip 140 comprises

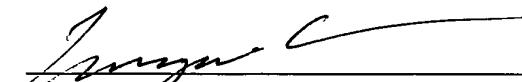
an inner, cantilevered portion of the head structure 114 (relates to the head structure 14' in Figure 4) which is very flexible inwardly of the cushion portion 142." This section only describes a hingelike structure between the conically tapering surface 625 (relates to flange 30' in Goldberg et al) and the udder bearing surface 670 (cushion 52 in Goldberg et al). As such, Goldberg et al is completely silent with respect to a hingelike structure between the conically tapering surface 625 (which corresponds to reference numeral 30' in Goldberg et al) and the teat bearing surface 628 (which corresponds to the skirt 50 in Goldberg et al).

In contrast to Goldberg et al, the present invention requires two transitions in contrast to only one transition being shown in Goldberg. Since the region between the cushion 52 and the planar teat bearing section 50 in Goldberg has a uniform thickness, there is no basis for assuming that the curved portions will have a hingelike function. Curved portions per se do not form a hingelike structure. A reduced material thickness, indentation or variation of material properties in comparison with the properties of the adjoining material is not proposed or suggested in Goldberg et al. As such, it is respectfully submitted that the currently claimed invention is clearly patentably distinguishable thereover.

Silver et al discloses inner and outer shield parts of a brush shield which are joined to form an enclosure which defines a pressurizable chamber. This reference has been cited by the Examiner as teaching a teat-receiving portion having cushioned surfaces planar teat-bearing sections. However, this reference does not make up for the deficiencies in the primary cited Goldberg et al reference with respect to the hingelike transitions required in the present invention. As such, Goldberg et al in combination with Silver et al do not present a showing of *prima facie* obviousness under 35 USC 103(a) with respect to the presently claimed invention.

Reconsideration of the present application and the passing of it to issue is respectfully solicited.

Respectfully submitted,



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